

PROB 12C
(7/93)

Report Date: January 21, 2010

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

JAN 25 2010

Eastern District of Washington

JAMES R. LARSEN, CLERK
DEPUTY
RICHLAND, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Michael Joseph Contino

Case Number: 2:05CR06042-002

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, U.S. District Judge

Date of Original Sentence: 7/28/2006

Original Offense: Conspiracy and Aiding and Abetting, 18 U.S.C. § 371 & 2

Original Sentence: Prison - 45 Days; TSR - 36 Months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Gregory M. Shogren

Date Supervision Commenced: 10/13/2009

Defense Attorney: Christopher Swaby

Date Supervision Expires: 7/12/2010

PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

- 1 **Special Condition # 20:** You shall reside in a residential reentry center for a period of up to 180 days. You shall not be entitled to the benefits of the prerelease component. You shall abide by the rules and requirements of the facility. You shall remain at the facility until discharged by the Court.

Supporting Evidence: Michael Contino was ordered to serve up to 180 days in the residential reentry center (RRC) as a special condition imposed at his revocation hearing on August 11, 2009. The defendant entered the RRC on December 11, 2009, and was to be released on June 11, 2010.

According to the Franklin County RRC incident report, completed by Corporal Paulette Bass, on January 8, 2010, Mr. Contino was approved to be out on a job search that day until 3:00 p.m. He returned to the RRC at approximately 3:20 p.m., and had to submit to a breath alcohol test upon returning, which is standard procedure for the Franklin County RRC. Mr. Contino blew a .053. He was rechecked at 3:28 p.m. and blew a .051. Mr. Contino advised Corporal Bass that he had taken Robitussin and mouth wash. Corporal Bass contacted this officer by telephone and advised of the alcohol test. This officer spoke with the defendant, who then admitted he had consumed a can of "Joose," which is an alcoholic energy drink.

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It has a 9 to 9.9% alcohol content and comes in a 23.5 ounce container. Mr. Contino stated he drank the beverage about 2 hours before returning to the RRC. He stated he knew he could not drink alcohol and thought it would not register in a Breathalyzer test after a couple of hours. Mr. Contino was subsequently terminated from the RRC, as he violated the no alcohol rule of the facility and was not truthful with the RRC staff when questioned about his use.

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Mandatory Condition # 4: The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

Special Condition # 19: You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Contino was terminated from the RRC on January 8, 2010, and released that evening. He was instructed to report in person to the U.S. Probation office on January 11, 2010. He reported as instructed and he submitted a drug test. The urine sample was presumptive positive for methamphetamine. The defendant did not want to discuss the positive drug test until confirmation was received from the laboratory.

On January 20, 2010, the results were received from Kroll Laboratory, confirming the defendant had consumed methamphetamine. This officer contacted the defendant via telephone and he admitted he had used methamphetamine the day he was terminated from the RRC. He stated he was stressed because of the termination and because his mother is ill and in the hospital.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/21/2010

s/SanJuanita B. Coronado

SanJuanita B Coronado
U.S. Probation Officer

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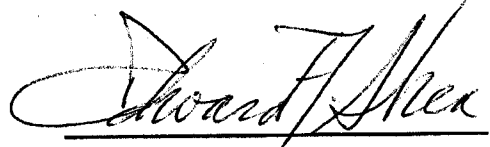
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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other

A handwritten signature in cursive script, appearing to read "Edward F. Allen", written over a horizontal line.

Signature of Judicial Officer

1/25/10

Date